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BANGALORE, THURSDAY, SEPT. 7, 1950.

NOTIFICATION.

Dated Bangalore, the 6th September 1950.

It is hereby notified for the information and guidance of all Census Officers that THE CENSUS (AMENDMENT) ACT, 1950 has extended the operation of the Government of India Census Act (Act No. XXXVII of 1948) to the three States of Hyderabad, Mysore and Travancore—Cochin where it was not in force before, and that accordingly all action relating to the Census required under law for these States will have hereafter to be taken under the said Act XXXVII of 1948. The Mysore Census Act, 1949 (Act No. XXIII of 1949) under which action was being taken hitherto is repealed by Section 5 of the Census (Amendment) Act, 1950, with effect from 16th August 1950, the date on which the Amending Bill received the assent of the President. Notwithstanding the repeal, anything done or any action taken in the exercise of any power conferred by or under the Mysore Census Act, shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Indian Census Act, as if the Act were in force on the day on which such thing was done or action was taken.

The Census (Amendment) Act, 1950 and Act, No. XXXVII of 1948 (India Census Act) are published below as Annexures to this Notification.

J. B. MALLARADHYA,
Census Commissioner for Mysore.

ANNEXURE I. 16

THE CENSUS (AMENDMENT) ACT, 1950.

AN ACT TO AMEND THE CENSUS ACT, 1948.

1. *Short title.*—This Act may be called the Census (Amendment) Act, 1950.

2. *Amendment of Section 1, Act XXXVII of 1948.*—In sub-section (2) of section 1 of the Census Act, 1948 (hereinafter referred to as the said Act), for the words "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin", the words "except the State of Jammu and Kashmir" shall be substituted.

3. *Insertion of new Section 2 in Act XXXVII of* 1948.—After section 1 of the said Act, the following section shall be inserted, namely :—

"2. *Rule of construction respecting enactments not extending to Part B States.*—Any reference to the Indian Penal Code (Act XLV of 1860) or the Indian Evidence Act, 1872 (I of 1872), shall, in relation to a Part B State, be construed as a reference to the corresponding enactment in force in that State."

4. *Amendment of Section 14, Act XXXVII of* 1948.—In Section 14 of the said Act, after the words "Magistrate of the second class", the words "or in a Part B State, a Magistrate corresponding to a Magistrate of the second class" shall be inserted.

5. *Repeals and Savings.*—(1) If immediately before the commencement of this Act there is in force in the States of Hyderabad and Mysore any law which corresponds to the said Act, it is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the repealed law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the said Act, as if the said Act were in force on the day on which such thing was done or action was taken.

ANNEXURE II.

INDIA CENSUS ACT, 1948.

(*Published in the* Gazette of India *Extraordinary, Part IV, dated the 3rd September* 1948).

ACT No. XXXVII OF 1948.

An Act to provide for certain matters in connection with the taking of census.

WHEREAS it is expedient to provide for the taking of census in the Provinces and Acceding States of India or any part thereof whenever necessary or desirable and to provide for certain matters in connection with the taking of such census ;

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Census Act, 1948.

(2) It extends to all the Provinces of India and also to any Acceding State for which the Central Legislature has for the time being the power to make laws as respects census.

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2. *Interpretation.*—In this Act, all references to the Provinces of India shall be construed as including reference to the Acceding States to which this Act for the time being extends, and in relation to any such Acceding State, all references to the Provincial Government shall be construed as references to the Government of that Acceding State.

3. *Central Government to take census.*—The Central Government may, by notification in the official Gazette, declare its intention of taking a census in the whole or any part of the territories to which this Act extends, whenever it may consider it necessary or desirable so to do, and thereupon the census shall be taken.

4. *Appointment of census staff.*—(*1*) The Central Government may appoint a Census Commissioner to supervise the taking of the census throughout the area in which the census is intended to be taken, and Superintendents of Census Operations to supervise the taking of the census within the several Provinces.

(*2*) The Provincial Government may appoint persons as census-officers to take, or aid in, or supervise the taking of, the census within any specified local area and such persons, when so appointed, shall be bound to serve accordingly.

(*3*) A declaration in writing, signed by any authority authorised by the Provincial Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(*4*) The Provincial Government may delegate to such authority as it thinks fit the power of appointing census-officers conferred by sub-section (*2*).

5. *Status of census authorities as public servants.*—The Census Commissioner, all Superintendents of Census Operations and all census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code (XLV of 1860).

6. *Discharge of duties of census-officers in certain cases.*—(*1*) Where the District Magistrate, or such authority, as the Provincial Government may appoint in this behalf, by a written order so directs—

(*a*) every officer in command of any body of men belonging to the naval military or air forces or of any vessel of war, of India,

(*b*) every person (except a pilot or harbourmaster) having charge or control of a vessel,

(*c*) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up or of any public, charitable, religious or educational institution,

(*d*) every keeper, secretary or manager of any *sarai*, hotel, boarding house, lodging-house, emigration depot or club,

(*e*) every manager or officer of a railway or any commercial or industrial establishment, and

(*f*) every occupant of immovable property wherein at the time of the taking of the census persons are living,

shall perform such of the duties of a census officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property or are employed under him as may be specified in the order.

(2) All the provisions of this Act relating to census-officers shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under Section 187 of the Indian Penal Code (XLV of 1860).

7. *Power to call upon certain persons to give assistance.*—The District Magistrate, or such authority as the Provincial Government may appoint in this

behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon—

(*a*) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue, or their agents,

(*b*) all members of the district, municipal, *panchayat* and other local authorities and officers and servants of such authorities, and

(*c*) all officers and members of staff of any factory, firm or establishment, to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the premises of factories, firms and other establishments, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code (XLV of 1860).

8. *Asking of questions and obligation to answer.*—(*1*) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Provincial Government and published in the official Gazette, he may be directed to ask.

(*2*) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge or belief :

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

9. *Occupier to permit access and affixing of numbers.*—Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purposes of the census and as, having regard to the customs of the country, may be reasonable and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

10. *Occupier or manager to fill up schedule.*—(*1*) Subject to such orders as the Provincial Government may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Provincial Government may direct regarding the inmates of such house or part thereof, or the persons employed under such manager or officer as the case may be, at the time of the taking of the census.

(*2*) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid, and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

11. *Penalties* —

(1) (*a*) any census-officer or any person lawfully required to give assistance towards the taking of a census who refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order, or

(*b*) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Central Government or the Provincial Government, discloses any information which he has received by means of, or for the purposes of a census return, or

(*c*) any sorter, compiler or other member of the census staff who removes, secretes, damages or destroys any census document or deals with any census document in a manner likely to falsify or impair the tabulators of census results, or

(*d*) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any question asked of him by a census-officer which he is legally bound by section 8 to answer, or

(*e*) any person occupying any house, enclosure, vessel or other place who refuses to allow a census-officer such reasonable access thereto as he is required by section 9 to allow, or

(*f*) any person who, removes, obliterates alters, or damages any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(*g*) any person who, having been required under section 10 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder, or

(*h*) any person who trespasses into a census office,

shall be punishable with fine which may extend to one thousand rupees and in case of a conviction under part (*b*) or (*c*) shall also be punishable with imprisonment which may extend to six months.

(2) Whoever abets any offence under sub-section (1) shall be punishable with fine which may extend to one thousand rupees.

12. *Sanction required for prosecutions.*—No prosecution under this Act shall be instituted except with the previous sanction of the Provincial Government or of an authority authorised in this behalf by the Provincial Government.

13. *Operation of other laws not barred.*—Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act:

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 12.

14. *Jurisdiction.*—No Court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try, whether under this Act or under any other law, any act or omission which constitutes an offence under this Act.

15. *Record of census not open to inspection nor admissible in evidence.*—No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such, or any schedule delivered under section 10, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872

(I of 1872), no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

16. *Temporary suspension of other laws as to mode of taking census in municipalities.*—Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority, in consultation with the Superintendent of Census Operations or wi h such other authority as the Provincial Government may authorise in this behalf, shall, at the time appointed for the taking of any census cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

17. *Grant of statistical abstracts.*—The Census Commissioner or any Superintendent of Census Operations or such person as the Provincial Government may authorise in this behalf may, if he so thinks fit, at the request and cost (to be determined by him) of any local authority or person, cause abstracts to be prepared and supplied containing any such statistical information as can be derived from the census returns for the Provinces of India or the Province, as the case may be, being information which is not contained in published report and which in his opinion it is reasonable for that authority or person to require.

18. *Power to make rules.*—(*1*) The Central Government may make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules providing for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons.

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